



Missouri Department of Natural Resources

MINUTES MISSOURI SOIL AND WATER DISTRICTS COMMISSION DNR CONFERENCE CENTER Jefferson City, Missouri March 16, 2005

COMMISSION MEMBERS PRESENT VIA TELEPHONE: John Aylward,
Elizabeth Brown, Larry Furbeck, and Philip Luebbering

John Aylward called in later in the conference call.

EX-OFFICIO MEMBERS VIA TELEPHONE: FRED FERRELL; DEPT. OF
AGRICULTURE: Dan Engemann

ADVISORY MEMBERS PRESENT VIA TELEPHONE: NRCS: Roger Hansen;
MASWCD: Tom Lambert

ADVISORY MEMBERS PRESENT: SOIL & WATER CONSERVATION
PROGRAM: Sarah Fast

STAFF MEMBERS PRESENT: Davin Althoff, Gary Baclesse, Jim Boschert, April
Brandt, Noland Farmer, Gina Luebbering, Joyce Luebbering, Theresa Mueller, Marcy
Oerly, James Plassmeyer, Ron Redden, Ken Struempf, Lindsay Tempinson, Chris
Wieberg, Bill Wilson

OTHERS PRESENT VIA TELPHONE: DISTRICTS: CALDWELL: Wendy Bowen;
OSAGE: Cindy Deornellis, Lana Hackman; STATE OF MISSOURI: ATTORNEY
GENERAL'S OFFICE: Zora Mulligan

OTHER PRESENT: OSAGE: Steven Morfeld, Charles Stieffermann; OTHERS: Chris
Boeckmann, Marty Brandt

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A. CALL TO ORDER

Chairman Elizabeth Brown called the meeting to order by telephone at the DNR Conference Center in Jefferson City, Missouri, in the Taum Sauk Room at 9:33 AM.

Since a quorum was not immediately present, the commission followed their approved commission operating policies and held a working meeting until the fourth commission member called in.

B. REVIEW/EVALUATION

a. Cost-Share

1. Monthly Cost-Share Usage and Fund Status Report

Noland Farmer reported that districts have been allocated approximately \$24,000,000 for use in the present fiscal year. It was projected that only \$20,000,000 of the allocated funds would be claimed by the end of the fiscal year.

As of February 28th, \$7,600,000 in claims had been processed, which was \$2,900,000 short of the \$10,500,000 projected.

As of March 15th, the program office had received \$7,900,000 in claims, which is less than the \$9,800,000 for the same time last year.

By the end of March it is projected that \$12,500,000 will be processed in claims. This amount is still less than the projected.

When asked if weather had anything to do with the lower amount claimed, Mr. Farmer stated that some districts had done well in claiming 70 to 78 percent of their funds, but others are down to around 29 percent. Mr. Farmer stated he did not know if there were areas where the weather was much better or if their contractors were just getting more work done. Larry Furbeck stated that in the northwest part of the state, they had a dry fall.

C. FOLLOW-UP

1. Special Area Land Treatment (SALT) Technical Review Committee Survey Results

Gary Baclesse presented a follow-up of an informational report on the multi agency SALT technical review committee results. The survey was done as a result of concerns by three districts in the Bootheel region of Missouri with

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reference as to how little the committee knew about the water quality issues related to agriculture in that area.

The commission was provided with a copy of the letter to Stoddard Soil and Water Conservation District (SWCD) dated July 20, 2004, a letter dated May 24, 2004 from Stoddard requesting the changes to the funding and review process, the SALT Technical Review Committee Survey Summary, the May 2004 commission meeting minutes containing the presentation from Cape Girardeau and Dunklin SWCDs, a report by Mr. Baclesse dated May 24, 2004, and the minutes of the July 2004 commission meeting.

It was noted that the method of funding SALT projects was not addressed in the survey of the SALT technical review committee.

The letter sent to Stoddard indicated the panel was going to be surveyed to see what changes were needed in the review process and to look into what other representation was needed on the review committee. Dunklin SWCD also invited the committee to view rice production with a tour that Leon Kreisler attended.

The survey asked four questions. Three were related to the application, the makeup of the committee, and the effectiveness for the review process. One was about training for committee members. Most committee members indicated the committee was the proper place to rank the proposals, the application supplied the needed information, and the process was effective. In regard to training, the committee was split on the educational items that were listed. The committee was not opposed to learning new things, but most possess knowledge of water quality or other specialties related to the review of the proposals.

The summary was sent to the committee for comments or suggested changes. Staff from the Agricultural Nonpoint Source (AgNPS) SALT and 319 Programs met and discussed the summary since the survey included the same questions for the 319 as well as for the SALT review process. Mr. Baclesse noted that both the 319 and the AgNPS programs are always looking for ways to improve the applications and the process. Both programs agreed that most of the comments from the committee members supported the current review process. The need to provide some type of comparison of common facts on one or two pages pertaining to each of the evaluated projects was discussed to save committee members time. It was also the consensus to use email to provide any training opportunities available but not advertised, such as actual AgNPS SALT and 319 tours.

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The review committee reviews and ranks the projects in order of their chances of success. There is no regional criteria developed by the commission for consideration by the review committee. Traditionally, each proposal is judged by its own merits, and each of the review committee members use their best judgement in ranking the proposals.

Larry Furbeck stated he thought the survey was very interesting and was glad to see steps being taken to improve the process and make it more useable. Mr. Furbeck asked if the education part would take care of some of the regional problems. Mr. Baclesse answered that was one of the reasons why they did the tour in Dunklin County, and once the different districts send information on types of tours they would do, that this information would be sent to the committee to see if they would wish to attend. Sarah Fast stated the review committee would be reviewing the 22 proposals, and the commission had funding for eight to ten. Ms. Fast also stated that information would be presented to the commission at the May meeting.

2. Clarification of the Commission's Permanent Vegetative Cover Improvement (DSL-2) Policy Regarding Overgrazing

Ron Redden presented information on the DSL-2 policy. The DSL-2 practice provides cost-share assistance limited to the minimum amount of lime, fertilizer, and seed needed to establish legumes to control erosion.

Commission policy states the practice is not eligible, "If the pasture or range land has been overgrazed, unless the landowner is making progress toward establishing a satisfactory grazing program".

Several eligibility questions were raised last summer when NRCS and district technical staff recognized that when using RUSLE2 to calculate soil loss on permanently vegetated areas, in most cases, the field would not have soil loss in excess of "T" unless the cover was being overgrazed. Mr. Redden worked with Mark Kennedy, the NRCS State Grassland Conservationist, to identify what could be done to meet the commission's requirement for a satisfactory grazing program for landowners. Mr. Kennedy indicated that a landowner should have an approved grazing plan prior to being approved for the DSL-2 practice. This plan should meet the NRCS Prescribed Grazing (528A) standard for reducing accelerated soil erosion and maintain or improve soil condition for sustainability of the resources.

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Two options for meeting the 528A criteria are: a grazing plan for continuous grazing to rotational grazing of less than four pastures, with proper stocking rate, and maintaining minimum grazing heights; or rotational grazing with four or more pastures, with proper stocking rates, meeting grazing period and rest period requirement as set forth in Table 1 of the Prescribed Grazing standard.

This information will be sent to the districts and include a revised Cost-Share Handbook page.

Mr. Redden noted that the commission's DSL-1 practice, which is an establishment of permanent vegetative cover, is often thought of as being used only to convert cropland to pasture; however, there are a number of districts that regularly use this practice when reestablishing a field that has been abused or severely mismanaged. Mr. Redden pointed out the commission may want to give consideration of adding an overgrazing policy to the DSL-1 practice in the future.

When asked if the rotational grazing process was a Planned Grazing System (DSP-3), Mr. Redden asked Roger Hansen to address the question. Roger Hansen stated they did not have four paddocks as a minimum for rotational grazing. The DSP-3 would be the minimum for that.

D. REPORTS

1. NRCS

Roger Hansen reported that the 2002 National Resources Inventory (NRI) data was available. Mr. Hansen proceeded to discuss this data. In 2002 there were 13,700,000 acres of cropland in the state, and of that, 10,400,000 was cultivated. The average erosion rates on the cultivated land was 5.3 tons per acre per year in 2002, 5.5 in 1997, 6.6 in 1992, and 10.9 in 1982. The erosion rate was cut in half since 1982, but has now leveled off. Of the 10,400,000 cultivated acres, 3,700,000 has erosion exceeding "T", which is 35 percent of the cultivated land with excessive erosion.

When asked what the types of landowners were of the 3,700,000 acres, Mr. Hansen stated NRCS did not have data on the type of landowner. Larry Furbeck asked how to focus on those landowners to get them involved. Mr. Hansen answered the local offices know the farms that have excessive erosion. Mr. Hansen pointed out that this information was only on sheet and rill erosion, not gully erosion. Elizabeth Brown stated this information was good for the commission to have.

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2. MASWCD

Tom Lambert reported the association had their meeting on March 9th, and the main subject was the tax renewal. They met with several legislators, who were positive. Mr. Lambert stated he had a meeting with a committee about the PL566 legislation, to make it easier to get trustees on the boards in the watersheds. Another issue that was discussed at their meeting was the training conference, what went well, and future workshops for it. The date for the next training conference was set for November 28, 29, and 30.

Commissioner John Aylward called in and a quorum was established.

E. CLOSED SESSION

Larry Furbeck made a motion to go into closed session. Philip Luebbering seconded the motion. When polled, John Aylward, Larry Furbeck, Philip Luebbering, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

At this time, the commissioners called in on another number to hold a closed session.

F. APPEALS

1. Special Area Land Treatment (SALT)

a. Osage SWCD – Tabled Variance Request for Payment of Nutrient Management Claims Unable to be Technically Certified

Ken Struempf presented an appeal from Osage SWCD on a tabled variance request for payment of nutrient management claims.

At the January commission meeting, the commission decided to table the request until the Attorney General's Office had time to investigate the issues. The request for the variance was from the Osage SWCD board and landowners requesting the commission to grant a variance to the rules to allow staff to make payment for 31 unpaid SALT nutrient management claims that totaled \$27,401. The board also requested a variance to be granted for 28 claims already paid in FY04 for a total of \$19,945.

On March 7, 2005, a fax was received from Osage SWCD asking the commission to consider an additional six nutrient management claims totaling an additional \$3,967. This brought the total to 65 claims in the amount of \$51,313. The approval dates and the landowners' spreading

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records on these six claims indicated that much of the work was done prior to the board knowing about the problems. These claims were approved in September, October, and November 2003 and the spreading records indicated that fertilizer was applied in the fall of 2003 or the spring of 2004. This was prior to the board becoming aware of evidence that soil tests were altered in September 2004.

Larry Furbeck made a motion to approve the variance requests to the rules for all 65 claims totaling \$51,313 and require the district to work with the landowners to develop accurate four-year nutrient management plans and submit them with the new soil test documentation to the program office by January 1, 2006.

Elizabeth Brown asked if that meant that would require them to submit a new plan by the January 1 date. Mr. Furbeck answered he would like to talk to the district to see if this was possible.

Philip Luebbering seconded the motion.

Sarah Fast stated the question for the district was if it was workable for the district to have the required plans by January 1, 2006.

Steve Morfeld, chairman of the Osage SWCD, stated they had already worked with a lot of landowners to bring in new soil tests on their own. The tests are being done at the University of Missouri and the district is covering the cost because the district wants the landowners to have correct plans. Mr. Furbeck asked if they would have an approved plan in order to do the spring application of nutrients. Mr. Morfeld answered it was hard for him to speak for all the landowners, as it is a voluntary program, but their goal is to try to get plans to those producers as soon as possible. The district sent out letters to all the landowners to bring in soil tests so the district could get a nutrient management plan in the landowner's hand that is correct for their farm. Mr. Furbeck asked program staff if the landowners did not have their plans until January if payments would be made for this year. Ms. Fast stated that given the motion, payment would be made on everything the program had. Mr. Furbeck asked if that would be for the past year, Ms. Fast answered it would be for the total 65 claims, including the 37 claims that had not been paid. John Aylward stated they should go with what Mr. Furbeck proposed and any new claims that would come in after these claims would have to be correct.

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When polled, John Aylward, Larry Furbeck, Philip Luebbering, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

G. REQUESTS

1. Land Assistance Section

a. Special Area Land Treatment (SALT)

1. Stone SWCD – Exception to the Prescribed Grazing Plan Requirement for Participation in the Pest Management Incentive

Davin Althoff presented a request from Stone SWCD for an exception to the commission's new N595 Pest Management Policy requiring operators to meet the 528 Prescribed Grazing Specification for cool season and warm season grass.

In a letter dated February 8, 2005, Stone SWCD requested an exception to the current N595 policy to allow Howard Dotson, a dairy farmer within the Crane Creek AgNPS SALT watershed, to apply for the N595 without a prescribed grazing plan. Mr. Althoff stated that currently, for pest management, cool season and warm season grass fields must meet the 528 Prescribed Grazing Specification in the NRCS Field Office Technical Guide. The letter indicated the landowner had expressed interest in the pest management practice in February 2004, but because of a scheduling problem and a limited number of individuals qualified to design a pest management plan, the cost-share application was not developed prior to January 1, 2005.

Because prescribed grazing is a very important component of N595, without proper pasture management, weed competition can be a major problem. By requiring a producer to meet specifications of an N528 prescribed grazing system, when participating in pest management, will reduce the opportunity for weeds to reappear as a result of pasture stress.

In conversation with to the NRCS District Conservationist in Stone County, the N595 Pest Management practice would not accomplish a lot because this dairy continuously overgrazes. The District Conservationist also stated that the situation would not provide a good demonstration of pest management to the operator

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because the poor grass stand due to over grazing would allow for weeds to be present.

Mr. Althoff stated if the commission granted an exception for Stone County, it might establish a precedent for other districts to make similar requests.

Roger Hansen stated he had followed up with the District Conservationist and received additional information regarding the statements that were made. NRCS started working on the pest management plan in August 2004, and the plan was approved on January 6, 2005. The January deadline was missed by six days. The District Conservationist, when referencing to it not doing any good, was referring to ten acres that were heavily grazed right around the dairy operation and it would be a challenge to get that into compliance. They are working with the landowner on the other 110 acres that were being grazed. Mr. Hansen stated that it had been a challenge developing a positive rapport with this landowner. Mr. Hansen stated it would be very helpful if the commission granted the one-year exemption. It would not be for the full three years. This would give NRCS more time to work with the landowner to get a prescribed grazing system.

John Aylward made a motion to approve the board's request for an exception to the current N595 Pest Management policy requiring cool season and warm season grass fields to meeting the 528 Prescribed Grazing Specification. Larry Furbeck seconded the motion. When polled, John Aylward, Larry Furbeck, Philip Luebbering, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

H. APPEALS - Continued

1. Cost-Share

a. Caldwell SWCD – Practice Started Prior to Board Approval

Joyce Luebbering presented an appeal from Caldwell SWCD requesting the commission to provide cost-share assistance on a Permanent Vegetative Cover Establishment Practice (DSL-1), when the original receipt for the materials furnished with the claim indicated the practice was started prior to board approval.

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The state cost-share rule states, "The district board cannot approve an application if construction or implementation of the practice has begun."

The cost-share application was signed by the landowner on September 17, 2004 and on September 22, 2004, the application was approved by the Caldwell SWCD board of supervisors. Invoice and weight tickets indicated that lime was purchased on September 13 and September 17, 2004. These purchases were prior to board approval of the application.

Letters from the board and the landowner indicated problems in receiving documentation from the quarry showing lime was purchased after the application was approved. In the letter from Caldwell SWCD, they said that if the landowner could have obtained tickets to match lime invoice 8204 he would have had the correct tickets for the practice. It was noted that the program office does not require weight tickets for processing claims, but if they have them, staff will check for accuracy of information, and purchase date. The ticket provided with the claim indicated the lime was purchase prior to board approval.

In the board's appeal, additional tickets were furnished for lime that had been purchased and applied to the practice after the claim was initially denied. This was because the landowner could not provide enough tickets between the application approval date and the practice completion date.

Ms. Luebbering stated that research of history case files showed similar requests for payments had both been approved and denied by the commission.

When asked what the total amount of the claim was, Wendy Bowen from Caldwell SWCD answered \$5,987.08. When asked how much of that was for lime, Ms. Bowen answered \$2,204.75 in cost-share. Ms. Bowen stated that Mr. Potts limed several fields that were not included with the application that he submitted. The tickets that were submitted were for the fields not included in the cost-share claim. Later, Mr. Potts was able to provide lime tickets for the field in the practice in reference to invoice 8204 that was cost-shared on.

John Aylward made a motion to approve the board's request for payment. Larry Furbeck seconded the motion. When polled, John Aylward, Larry Furbeck, Philip Luebbering, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

I. REVIEW/EVALUATION - Continued

a. Cost-Share

1. Returned by Districts - Allocation of Additional Cost-Share Funds

Ron Redden asked for consideration to allocate additional cost-share funds. The program received a letter from St. Louis SWCD indicating they wished to return their cost-share allocation in the amount of \$88,815.

The commission was reminded that last fall an additional \$68,500 was offered to 65 districts that had claimed at least 80 percent of the FY04 allocation. Of the 65 districts, seven accepted less than \$68,500, which resulted in the commission having an additional \$349,315 that could be offered.

Mr. Redden indicated that many of the districts that had funds had not been able to obligate them to landowners this fiscal year, mainly due to the continued wet weather. But on the other hand, there were a number of districts, many whom were not offered additional funds last fall, that had obligated most or all of the funds and asked for additional funds if there were any available.

Due to the fact that cost-share claimed this fiscal year was approximately \$2,000,000 to \$3,000,000 less than projected, Mr. Redden felt the commission could allocate as much as an additional \$450,000 to the districts without being in risk of claims exceeding the total cost-share appropriation for FY05.

One alternative was to make the funds available to any district regardless of how much they had claimed last year or how much additional cost-share funds they had received earlier in the year. Districts could request as much as they felt they could obligate and claim prior to the end of the fiscal year. Staff would send the districts an email and a memorandum providing them with a short but reasonable deadline. The districts would then have to send the program a letter signed by the board indicating the requested amount of additional funds.

When asked if this was eliminating the ones that spent 80 percent last year, Sarah Fast answered no. All the districts would have a chance at the \$450,000.

Philip Luebbering made a motion to make additional funds available to any district believing they can obligate and claim additional funds this

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fiscal year and give Ron Redden the flexibility to develop the formula according to the amount of funds available and the demand for the money. Larry Furbeck seconded the motion. When polled, John Aylward, Larry Furbeck, Philip Luebbering, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

J. MINUTES OF THE LAST MEETING

Philip Luebbering made a motion to approve the minutes of the February 17, 2005 commission meeting, as mailed. Larry Furbeck seconded the motion. When polled, John Aylward, Larry Furbeck, Philip Luebbering, and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

K. DATE OF NEXT MEETINGS

Elizabeth Brown asked if the next meeting scheduled for May 24, 2005, was suitable for the commissioners. Sarah Fast stated the commissioners would be called to see if there would be a quorum for that date. The date of the next commission meeting was set for Tuesday, May 24, 2005, beginning at 8:30 at DNR Conference Center in the Bennett Springs/Roaring River room in Jefferson City, Missouri. The June meeting was tentatively scheduled for Thursday, June 23, in Jefferson City, Missouri.

L. ADJOURNMENT

Larry Furbeck moved the meeting be adjourned. Philip Luebbering seconded the motion. Motion approved by consensus at 11:00 AM.

Respectfully submitted,

Sarah E. Fast, Director
Soil and Water Conservation Program

Approved by:

Elizabeth Brown, Chairman
Missouri Soil & Water Districts Commission

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